IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.432 OF 2006
IN
FIRST APPEAL NO.175 OF 2006

Habiba Hussain Mapari & Anr. ...Appellants
Vs.
Alka Arvind Manda ...Respondent

Ms Varsha Palav for the Appellants.
Mr Mahul Shah i/by Mr Bharat Joshi for the Respondent.

CORAM : A. S. OKA, J.
DATE : APRIL 25, 2006.

P.C.:

1. Rule. Respondent waives service. Appeal is already admitted for final hearing. It is not in dispute between the parties that interim order dated 07th October, 1991 passed by the Trial Court during the pendency of S.C. Suit No.6178 of 1991 was operating till the final disposal of the suit. As the first Appeal is admitted, the same interim order deserves to be continued with modification that the Applicants/Appellants will keep on depositing a sum of Rs.500/- per month in the Trial Court on or before 10th day of every calendar month. First deposit to be made in May 2006.

2. Hence, Application is disposed of by passing following order:

A] There will be interim relief in terms of prayer clause (b) subject to following conditions:

(i) Interim order dated 07th October, 1991 passed in S.C. Suit No.6178 of 1991 will continue to operate till the final disposal of the Appeal.

(ii) The Applicants will keep on depositing a sum of Rs.500/- per month in the Trial Court on or before 10th day of every calendar month from May 2006.

(iii) The Respondent will be permitted to withdraw the said amounts deposited by the Applicants on furnishing security to the satisfaction of the Trial Court.

(iv) There will be no orders as to costs.

JUDGE